IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 14078 of 2007(A)

PETITIONER:

SAJU P. MATHEW, MANAGER,
M.D. HIGH SCHOOL, THOLELI,
ERNAKULAM-696 692.

BY ADV. SRI.DEEPU THANKAN

RESPONDENTS:

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1. THE DEPUTY DIRECTOR OF EDUCATION,
ERNAKULAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
KOTHAMANGALAM.

3. SHRI V.M. TOMY, S/O.MATHAPPAN,
VARINATTUKUDIYIL, AYROORPADAM P.O.,
THOLELI, KOTHAMANGALAM, ERNAKULAM-686 692.

4. SHRI.A.T. KURIAKOSE, ATTUPURAM,
THOLELI, AYROORPADAM P.O.,
ERNAKULAM-686 692.

BY ADV. SRI.SHAJI P.CHALY
SRI.P.K.SURESH KUMAR
SMT.PRIYA VIJAYAN
SR. GOVERNMENT PLEADER SRI. T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/07/2007,ALONG WITH WPC NO. 15757 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 14078/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF ORDER NO.K.Dis./5538/06/B2 DT. 6.10.06 ISSUED BY THE 2ND RESPONDENT

EXT.P2. COPY OF ORDER DT. 4.11.06 IN I.A. NO.3749/06 IN O.S. NO.389/06 OF THE MUNSIFF COURT, MUVATTUPUZHA

EXT.P3. COPY OF APPEAL MEMORANDUM SUBMITTED BY THE 3RD RESPONDENT BEFORE THE 1ST RESPONDENT DT. 11.8.06

EXT.P4. COPY OF ORDER NO.B1/9057/06 DT. 9.4.07 ISSUED BY THE 1ST RESPONDENT

EXT.P5. COPY OF JUDGMENT DT. 25.8.06 IN WP(C) 7247/06 OF THIS HON'BLE COURT

EXT.P6. COPY OF ADVERTISEMENT PUBLISHED IN MATHRUBHUMI DAILY DT. 3.1.07

EXT.P7. COPY OF THE LETTER DT. 17.1.07

EXT.P8. COPY OF SELECTION MEMO DT. 28.1.07

EXT.P9. COPY OF THE SELECTION MEMO DT. 30.3.07 ISSUED TO SMT. RAHILA

EXT.P10. COPY OF ADVERTISEMENT APPEARED IN MALAYALA MANORAMA DAILY ON 3.5.07

EXT.P11. COPY OF SELECTION MEMO DT. 25.5.07 ISSUED TO SMT. SHEMITHA

EXT.P12. COPY OF APPOINTMENT ORDER ISSUED TO THE TEACHERS DT. 28.5.07 WITH COVERING LETTER DT. 28.5.07 SUBMITTED TO THE DEO

EXT.P13. COPY OF THE APPOINTMENT ORDER ISSUED TO THE TEACHERS DT. 28.5.07 WITH COVERING LETTER DT. 28.5.07 SUBMITTED TO THE DEO

EXT.P14. COPY OF THE APPOINTMENT ORDER ISSUED TO THE TEACHERS DT. 28.5.07 WITH COVERING LETTER DT. 28.5.07 SUBMITTED TO THE DEO

EXT.P15. COPY OF THE MINUTES OF THE MEETING HELD ON 7.6.07

EXT.P16. COPY OF THE LETTER DT. 7.6.07

EXT.P17. COPY OF THE LETTER DT. 7.6.07

EXT.P18. COPY OF THE LETTER DT. 7.6.07

RESPONDENT'S EXHIBITS:

EXT.R4. COPY OF COMPLAINT SUBMITTED BY 4TH RESPONDENT AND OTHERS BEFORE THE HON'BLE SECRETARY, EDUCATION DEPT., SECRETARIAT

EXT.R4(a). COPY OF POSTAL RECEIPT ISSUED FROM SPEED & SAFE COURIER SERVICE

/TRUE COPY/

PA TO JUDGE.

A.K. Basheer, J.

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W.P(C) No. 14078 of 2007

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Dated this the 11th day of June, 2007.

ORDER

Petitioner Sri.Saju P Mathew is present as directed in the order dated June 4, 2007. He has filed an affidavit in which it is stated that he had made appointments in the school pursuant to a decision taken by the Board some time in May 2007. He admits that the orders of appointment were issued after the oral direction issued by this Court. According to him, he was constrained to issue the orders under a mistaken impression and also on the instruction issued by the Department. However he has produced Exts.P16 to P18 by which the orders of appointment have been cancelled by him already as decided by the Managing Committee of the school. He tenders an unconditional apology for whatever has happened.

2. Having heard learned counsel for the petitioner and having perused the affidavit placed on record, as well as Exts.P16 to P18, I am satisfied that the lapse on the part of the petitioner can be condoned. I do so. However it shall be ensured by the petitioner that the orders of appointment forwarded to D.E.O. Kothamangalam are withdrawn today itself, as undertaken by him.

3. Counter affidavits if any within two weeks.

Call on 25/6/2007.

A.K. Basheer

Judge.

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